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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
13 LOS ANGELES DIVISION

11 ANNE CANNON,  
12 AND ALL OTHERS  
13 SIMILARLY SITUATED,

14 *Plaintiffs,*

15 v.

16 TELE PAY USA, and  
17 JUAN SOTO aka JUAN ORTIZ

18 *Defendants.*

Civil Action  
FILE NO: 2:17-cv-04740-AB-RAO

19 **DECLARATION OF ANNE CANNON AS TO DAMAGES**

20 In support of Plaintiff's Motion for Entry of a Default Judgment, I state that:

21  
22 1. My name is E. Anne Cannon. I live in the City of Orlando, Orange County,  
23 Florida.

24  
25 2. I was an employee of Tele Pay, hired to field calls on its telephone sex chat  
26 lines and engage in sexually explicit talk for a fee paid directly to Tele Pay by its customer  
27 from September 8, 2008-July 4, 2017.  
28

1           3. I worked from home. I was required by Tele Pay to keep a land-line telephone  
2 in my home. I was required by Tele Pay to stay in my home, within reach of my personal  
3 computer and land-line telephone, for certain periods of time to be available to field calls  
4 from Tele Pay's customers.

5           4. In a typical week, I fielded dozens of calls and maintained a weekly call  
6 average of 6 minutes per call. At that pace, I was paid at the rate of 10 cents per talk  
7 minute, or \$6.00 an hour.

8  
9           5. Frequently, the length of my calls fell below an average of 6 minutes per call,  
10 which decreased my income to 7 cents per minute, which is \$4.20 per hour.

11           6. Tele Pay charges callers \$5.00 per minute. I did not set the rates charged to  
12 callers.

13  
14           7. If a call lasts only seconds and is never verified as a legitimate call from a  
15 customer seeking Tele Pay's services, it is included in my average call length calculation.

16           8. I was required to attend meetings convened by Tele Pay. At these meetings,  
17 "Don" gave the employees pointers on what to say on calls and how to keep their average  
18 up. He reminded us repeatedly, "Remember, it's not HOW MANY calls you take, but  
19 HOW LONG you keep these guys on the phone!"

20  
21           9. Tele Pay micro managed me. It controlled all aspects of each call, even  
22 ordering that the calls be answered on the first ring, stressing how very important it is to  
23 pick up after the first ring or face termination.

24           10. During the time I was employed by Tele Pay, I did not have my own business  
25 of any type.

26  
27           11. During the time I worked for Tele Pay, I did not hold any other positions.  
28

1       12. I used Tele Pay computer equipment and software to perform my duties of  
2 employment.

3       13. Tele Pay is solely responsible for advertising and supplying the phone  
4 numbers for customers.

5       14. Tele Pay is also solely responsible for billing those customers.

6       15. I was required to work overtime hours in excess of 40 hours worked per week.  
7 I was not paid any overtime premiums for my hours worked over 40.  
8

9       16. I worked an average of 67 hours per week. I was paid on average 4.20 for  
10 those hours. The total amount I was paid on average per week was \$281.00.  
11

12       17. The federal minimum wage is \$7.25 per hour.  
13

14       18. I should have been paid ( $67 \times 7.25 = 485$ ) \$485.00 per week in minimum wage  
15 and ( $67 - 40 = 27$  hours overtime;  $7.25/2 + 7.25 = 10.88$  overtime rate;  $27 \times 10.88 = 293.76$ )  
16 \$293.76 in overtime premiums for a total of \$778.76 per week.

17       19. On a weekly basis, I was not paid ( $778.76 - 281 = 497.76$ ) \$497.76 per week in  
18 minimum wage and overtime premium pay that I was entitled to.  
19

20       20. I am claiming only 156 weeks' worth of damages, which is for the last 3 years  
21 I worked because the Fair Labor Standards Act has a three-year statute of limitations. I  
22 understand I cannot claim unpaid wages all of the way back to my start date in 2008.

23       21. Therefore, I am requesting ( $497.76 \times 156 = 77,650.56$ ) \$77,650.56 of unpaid  
24 minimum wage and unpaid overtime premiums, and \$77,650.56 in liquidated damages for  
25 a total of \$155,301.12, plus attorneys' fees and costs.  
26

27       22. This statement is true and signed under the penalty of perjury.  
28

1 Dated: 3/7/2018

2  
3 Signed: E. Anne Cannon  
4 E. Anne Cannon  
5  
6

7 CERTIFICATE OF SERVICE

8 I, Katherine M. Holiday, certify that Declaration of Anne Cannon as to Damages was served by  
9 March 27, 2018  
U.S. Mail on March 7, 2018 on:

10 Juan Soto aka Juan Ortiz 3178 Hadley Drive, Mira Loma, CA 91732

11 By: s/Katherine Holiday  
12 Katherine Holiday  
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